

Michigan Judges Association

Founded 1927

July 5, 2006

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Chief Justice Clifford W. Taylor
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2006-15
ADM File No. 2006-16
ADM File No. 2003-38

Dear Chief Justice Taylor:

At the June 27, 2006 meeting of the Michigan Judges Association, the Rules Committee and the Executive Board considered the above-referenced proposed amendments.

As to ADM file no. 2006-16, proposed amendment of MCR 6.305 and MCR 6.310, we adamantly oppose the proposed changes. The reasons we oppose the amendments are as follows. The changes would eliminate the judges' involvement with plea negotiations and "Cobbs" agreements. They would further limit the discretion of judges with sentencings. We believe that it would result in the slowing down and clogging of our dockets. We have a much greater volume than the federal courts, so emulating the federal rules in this area could be problematic. Again, we could not identify a specific problem being addressed by the proposed amendments and, therefore, question the need for a change in a rule if there is no problem being addressed by the changes.

As to ADM file no. 2006-15, proposed amendment of MCR 2.420, we support the changes as they should result in closer scrutiny and accountability.

We also support the changes to MCR 6.106, ADM file no. 2003-38, although we were concerned with the mandatory bond in criminal non-payment of support cases, and the possible effect on jail overcrowding. We believe that any such issue could be alleviated by the provision "except for good cause shown on the record."

We thank the Court for considering our input on these matters. If the Michigan Judges Association may provide any further information or assistance, we stand ready to assist the Court.

Sincerely,

MICHIGAN JUDGES ASSOCIATION


Hon. Nanci J. Grant, President

CC: Corbin R. Davis, Clerk of the Michigan Supreme Court
Hon. Stephen D. Gorsalitz, Rules Committee Chairperson
Hon. Jeffrey L. Martlew
Anne Boomer, Administrative Counsel